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Report of the Secretary-General on children and armed conflict in Myanmar

Summary

The present report, submitted pursuant to Security Council resolution 1612 (2005) and subsequent resolutions, covers the period from 1 July 2017 to 31 August 2018 and is the fifth report on children and armed conflict in Myanmar submitted to the Security Council and its Working Group on Children and Armed Conflict. As requested by the Working Group, the report updates my previous report on children and armed conflict in Myanmar (S/2017/1099) submitted in December 2017.

The report provides information on grave violations against children in Myanmar, with particular emphasis on the crisis in northern Rakhine State as well as areas of ongoing conflict in Kachin and Shan States and identifies parties to the conflict responsible for such violations. During the reporting period, armed clashes in conflict-affected areas of the country continued to put children at risk and the country task force on monitoring and reporting documented and verified grave violations against children perpetrated by the Myanmar Armed Forces (Tatmadaw) as well as other parties to the armed conflict listed in my previous annual reports, with the notable addition of a new group, the Arakan Rohingya Salvation Army, operating in northern Rakhine State and adjacent areas.

In the report, I also look at progress and challenges in addressing and preventing grave violations in Myanmar and provide recommendations for the deliberations of the Working Group on Children and Armed Conflict on the situation.

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I. Introduction

1. The present report, submitted pursuant to Security Council resolution 1612 (2005) and subsequent resolutions, covers the period from 1 July 2017 to 31 August 2018 and updates my fourth report on children and armed conflict in Myanmar (S/2017/1099) submitted to the Security Council and its Working Group on Children and Armed Conflict in December 2017. The report provides an overview of political and security developments, examines trends and patterns of violations committed against children and highlights progress made in ending and preventing such violations since the issuance of the previous report. It also contains a series of recommendations aimed at strengthening action for the protection of children affected by armed conflict in Myanmar.

II. Overview of security developments

A. Developments in Rakhine State

2. Prior to the reporting period, the security situation in northern Rakhine State was already characterized by military clearance operations by the Myanmar Armed Forces and intercommunal tensions and violence. The situation dramatically deteriorated on 25 August 2017 when the Arakan Rohingya Salvation Army attacked 30 Myanmar police posts and an army base in northern Rakhine State in a coordinated manner. The incident triggered an immediate response from the Myanmar Armed Forces (Tatmadaw) and the border guard police, wherein the Rohingya community was overwhelmingly affected. According to numerous eyewitness accounts, Government forces, with the support of civilian mobs, perpetrated grave violations against civilians, including children, largely in Rohingya communities, during their response to the attacks by the Arakan Rohingya Salvation Army. Vigilantism, in combination with the response by the Government forces, compounded the vulnerability of civilians. Reports of the destruction of Rohingya and other minority villages continued to be documented for several months, including in 2018. As at the end of August 2018, 706,000 civilians had fled to Bangladesh, of whom over 90 per cent were Rohingya. More than 60 per cent of those civilians were children and women. Movements of population to Bangladesh slowed only towards the end of 2017; small-scale departures continued, however, amid ongoing reports of arson attacks, looting, harassment, loss of livelihoods and limited access to food and other services owing mainly to continued restrictions on freedom of movement by Government forces.

3. While the Rohingya continue to leave northern Rakhine owing to ongoing fear, intimidation, arrests, extortion and other protection incidents, a considerable number of them, mostly children, remain in Rakhine State and are in need of protection and assistance. Of those remaining, some 129,000 are forced to reside in camps in central Rakhine. The restrictions placed on their freedom of movement limits their access to food, jobs, education, health care and other basic services. Those in camps are almost completely dependent on humanitarian assistance for their survival. In addition, they suffer from overcrowding and lack of privacy and poor facilities and shelter that are in urgent need of improvement until durable solutions are found.

4. In addition, a large number of Muslims (primarily Rohingya but also Kaman) live in villages and towns in central Rakhine. Their freedom of movement is severely restricted owing to Government regulations and discrimination. All Muslims are subjected to this restriction on movement. The impact of the lack of freedom of movement is enormous, as Muslim communities in villages and internally displaced person camps have access to extremely limited government services and are not

allowed to work, seek medical care, visit family or receive an education freely and without restrictions.

5. Conditions in Rakhine are not considered to be conducive for the voluntary, safe, dignified and sustainable return of the refugees in Bangladesh. The memorandum of understanding signed between the Government of Myanmar and the United Nations on 6 June 2018 is aimed at supporting the efforts of the Government in respect of the creation of such conditions and supporting recovery and resilience-based development for the benefit of all communities living in Rakhine State. However, to date, the Office of the United Nations High Commissioner for Refugees and the United Nations Development Programme, which are signatories to the memorandum, have not been given effective access to northern Rakhine State to assess current needs and plan for interventions to improve conditions, build trust and promote social cohesion among all remaining communities, and prepare for the eventual repatriation of refugees as and when they make a free and informed choice to return. The access recently granted was only for 23 individual villages and three village tracts; a second phase, with access to a few more villages, has commenced. Full and unfettered humanitarian access is needed for all humanitarian actors to provide assistance and protection services to people in need in northern Rakhine State. Furthermore, the country task force on monitoring and reporting has sought unfettered access for monitoring and reporting as well as response activities for children, which the Government has yet to grant.

6. The Government has stated that it intends to "close" internally displaced person camps in central Rakhine. However, the indications so far are that the process of "camp closure" consists of upgrading shelters in or near locations where the camps are currently located, rather than a dignified solution that may include allowing people to return to their places of origin or to locations of their choosing. Displaced Rohingya and Kaman communities have not been allowed any increased freedom of movement.

B. Developments in other parts of the country

7. In other parts of the country, fighting between the Tatmadaw and several non-State armed groups and clashes between armed groups continued to affect civilians, including children. Active combat has made access for humanitarian operations difficult and has led to the displacement of thousands of civilians, including children, in Kachin and Shan States. There are currently some 105,500 civilians displaced in Kachin and northern Shan States, including approximately 48,000 children. In Kachin State, ongoing fighting between the Tatmadaw and the Kachin Independence Army has intensified in recent months, particularly since the beginning of 2018. Armed clashes included the use of heavy weapons and artillery fire as well as aerial bombardment in several areas, leading to displacement and re-displacement of this already vulnerable population. In northern Shan State, clashes involving several ethnic armed organizations as well as the Tatmadaw continued to impact civilians. Clashes between the Restoration Council of Shan State/Shan State Army South and the Ta'ang National Liberation Army broke out in early 2018. Armed clashes also took place between the Ta'ang National Liberation Army and the Shan State Progress Party/Shan State Army. More than 20,000 persons have been newly displaced or re-displaced owing to armed conflict in Kachin and Shan States since the beginning of 2018.

8. In Chin State, the Arakan Army and the Arakan Liberation Army reportedly clashed near the border triangle among Bangladesh, India and Myanmar over a territorial dispute. In addition, there was renewed fighting between the Tatmadaw and the Arakan Army troops in 2018.

9. In Kayin State, fighting broke out between the Tatmadaw and the Karen National Union/Karen National Liberation Army in territory controlled by the Karen National Liberation Army. In early 2018, fighting broke out between a combined force of the Tatmadaw and the border guard force against the Karen National Liberation Army and its allied Democratic Karen Benevolent Army splinter group.

C. Political developments

10. The third session of the Union Peace Conference (21st-Century Panglong Conference) was held in Nay Pyi Taw from 11 to 16 July 2018. A 14-point agreement was adopted, covering the political, economic, social and land and natural environment sectors and including a specific commitment to "eliminate six grave violations against children". The four listed armed group signatories to the Nationwide Ceasefire Agreement, namely, the Karenni National Progress Party/Karenni Army, the Democratic Karen Benevolent Army, the Karen National Union/Karen National Liberation Army Peace Council and the Restoration Council of Shan State/Shan State Army-South, remain engaged in the peace process. Meanwhile, the Federal Political Negotiation Consultative Committee, also known as the "Northern Alliance", an alliance of seven armed group non-signatories to the Nationwide Ceasefire Agreement, which includes two listed parties (the United Wa State Army and the Kachin Independence Organization), attended the opening ceremony as "observers" and met with high-level Government and military officials. They vowed to continue peace talks with the Government. Two additional sessions of the Union Peace Conference are planned for 2019.

III. Grave child rights violations

11. The United Nations documented a total of 1,166 grave violations affecting children in the reporting period across all three northern townships, namely, Maungdaw, Buthidaung and Rathedaung in Rakhine State. The vast majority of these cases were recorded after 25 August 2017. The information provided below is based mainly on interviews with refugees from Myanmar conducted in Bangladesh by the United Nations and covers exclusively incidents perpetrated in Rakhine State. Verification was carried out according to United Nations verification standards. Owing to lack of access for the Security Council-mandated country task force on monitoring and reporting in Myanmar, it was not possible to undertake direct and independent verification in-country. Owing to these access restrictions, together with the fear of reprisals and the stigma associated with the nature of grave violations, particularly rape and other forms of sexual violence, it is likely that the figures and information provided below are a significant underrepresentation of the scale of violence and impact on children in Rakhine State.

12. The Government of Myanmar has informed my Special Representative for Children and Armed Conflict that pocket manuals summarizing the rules of engagement were provided to all soldiers to remind them of guidance and directives to respect humanitarian law in the exercise of their operations in northern Rakhine. However, my country task force has not been able to observe these manuals or other efforts of the Tatmadaw to date and hopes to engage in intensive prevention activities as soon as possible.

A. Killing and maiming

13. The United Nations documented 708 child casualties (669 killed and 39 maimed), out of which it was possible to verify 220 child casualties (196 killed and 24 maimed) across 28 villages in Maungdaw, Buthidaung and Rathedaung Townships. Verified casualties included 133 boys and 51 girls, while the gender of 36 children was unknown. A total of 97 per cent of verified cases (198 casualties) took place after 25 August 2017. All verified cases were attributed to the Tatmadaw, with the involvement in some instances of the border guard police and special forces. The United Nations received additional highly credible reports of the large-scale killing and massacre of 99 members of the Hindu population, including children, by the Arakan Rohingya Salvation Army in villages in Maungdaw Township on 25 August 2017. It also documented two child casualties allegedly perpetrated by the Arakan Rohingya Salvation Army and hopes to be able to further document cases once access to northern Rakhine is granted by the Government of Myanmar.

14. Children were killed and injured during apparent large-scale, widespread, systematic and organized attacks on the Rohingya civilian population by Government forces, including the Tatmadaw and the border guard police. The United Nations specifically verified the death and injury of children during large-scale massacres of civilians in the week following 25 August in Min Gyi village, Maungdaw Township (57 killed and 4 maimed); Chut Pyin village, Rathedaung Township (verifying 9 killed and 1 maimed out of a reported 135 children killed); and Chin Tha Mar village tract in Buthidaung Township (28 killed).

15. For example, several witnesses related that on 27 August 2017, in Buthidaung Township, Tatmadaw soldiers, including a corporal from Battalion 564, soldiers from Battalion 552 and additional troops brought in early in the morning by boat and trucks from another military base, surrounded the village. Men and boys were taken from houses. They had their hands tied and were forced to lie down on the ground. Witnesses saw the men and boys being killed one by one. At least 28 boys between the ages of 8 and 17 years were killed. Some of the bodies were taken to military trucks while others were buried in a field. Two witnesses estimated that approximately 200 people had been killed during the incident.

16. In an incident of a similar nature, on 27 August in Chut Pyin village, Rathedaung Township, witnesses reported that Tatmadaw soldiers, accompanied by Rakhine villagers carrying firearms, surrounded the village and at approximately 1400 hours started setting houses on fire one by one with torches and shooting at villagers fleeing the burning houses. At least nine children between the ages of 1 and 17 years were shot and killed during the incident. Witnesses who went back to the village the next day reported seeing burnt houses and corpses all over the village. Reports indicate that up to 135 children, 80 boys and 55 girls, may have been killed during incidents that unfolded on that day in the village.

17. In similar patterns of operational tactics committed by the Tatmadaw and the border guard police across all three affected townships after 25 August, at least 46 children were reported shot dead, including at close range, and 11 children shot and maimed.

18. For example, witnesses reported soldiers surrounding a village in Maungdaw Township on 29 August. The next morning at dawn, they started to shoot randomly into the village and at the houses. A female witness recounted having fled her home. When she found a hiding place, she looked back at her house and saw her 16-year-old disabled sister being shot in the back by a soldier in a uniform with a gun.

19. In addition, the United Nations verified accounts of children being pursued and shot at by the Tatmadaw and the border guard police as they attempted to flee violence and attacks on their villages and homes.

20. In an incident in Maungdaw Township, three children (two boys and one girl) attempted to flee the violence in their village of Tha Yet Oke and reunite with their mother on the other side of the river by boarding a riverboat. A military gunboat with Tatmadaw soldiers dressed in green uniforms opened fire from approximately 200 metres away. The two brothers, aged 5 and 8 years, were shot dead, while their 16-year-old sister survived the incident.

B. Rape and other forms of sexual violence

21. The United Nations has received numerous consistent reports of rape and sexual violence committed against hundreds of girls and women by the Tatmadaw following the launch of the counteroffensive of 25 August and was able to specifically document at least 41 cases, involving children in 15 villages across all three townships in northern Rakhine State. No reports of sexual violence against boys were recorded. Noting the additional ethical and security considerations necessary while engaging with child victims of sexual violence, the United Nations was able to verify eight cases and assess two others as highly credible, in nine villages, across all three townships. All verified cases were attributed to the Tatmadaw. The youngest girl was 10 years old. It is likely that these figures significantly underrepresent the true scale of sexual violence perpetrated against girls, owing to access restrictions, the stigma associated with rape and other sexual violence and other barriers to reporting.

22. Girls were raped by Tatmadaw personnel in houses, in the jungle, the forest and publicly in outdoor village areas. In addition, eyewitness and survivor accounts confirm that women and girls were raped in schools. For reasons of the safety of the victims and informants, the villages are not identified in some cases described below.

23. In one incident, during an attack by soldiers on a village in Maungdaw Township, a girl was raped by a member of the armed forces in the local school. She survived the incident and reported that women and girls had been rounded up in the local school by soldiers. She was one of several women and girls who were raped in the school at that time.

24. In some cases, girls were killed following attacks on their homes and villages or died as a result of multiple physical injuries sustained during the assault. Several rape cases led to severe injury and an urgent need for child-specific sexual and reproductive health-care services. In a number of incidents, girls were gang-raped by up to four Tatmadaw soldiers.

25. In an incident in Rathedaung Township, a girl was raped and beaten by four members of the Tatmadaw during an attack on her village. According to her testimony, she was able to identify them as Tatmadaw because of their uniform and the badge of one of the perpetrators. In another incident of a similar nature, on 4 November in Maungdaw Township, a woman reported witnessing her 14-year-old daughter being gang-raped by two Tatmadaw soldiers, identified by their uniforms, while at least 10 other soldiers stood around and witnessed the incident. She reported that the incident lasted approximately four hours. Afterwards, her daughter was shot in the head and killed in front of her.

26. Rapes of girls and women also occurred in villages where there were large-scale massacres of the Rohingya population by the Tatmadaw. For example, in a village in Maungdaw Township, a survivor described the systematic round-up of groups of girls and women who were taken to houses and then raped. She reported that when the

military attack started, hundreds of villagers fled to a nearby beach. Soldiers separated them on the beach into groups and shot all the men, killing the majority. Groups of women and girls were then taken by soldiers to houses that had not yet been burned. A group of six women and girls, including the witness, was taken to a house where they were all raped by soldiers. When the soldiers left the house, they closed the windows and locked the doors and then set fire to the house. In that particular incident, only the witness and her seven-year-old daughter managed to escape while the other four burned to death, including one 17-year-old girl.

C. Recruitment and use

27. During 2017, the country task force on monitoring and reporting continued to receive reports of the border guard police using boys as young as 10 years old in support functions and as part of a wider practice requiring all male Rohingyas to work for the border guard police, of which it was able to verify 53 cases. The verified cases occurred in villages across three northern townships. The majority of cases were attributable to the border guard police and some to the Tatmadaw. Males were rounded up in their villages as and when needed and were also required to regularly perform a quota of labour per family in a form of forced labour. This was often in coordination with a village administrator and included functions such as border guard police camp construction and maintenance, cleaning, cooking, collecting firewood or serving as sentinels. The United Nations was able to verify the use of 47 boys, aged 10 to 17 years, by the border guard police in such roles. The boys were often forced to work through the night and suffered humiliation, threats and punishments such as physical assaults as well as monetary fines for minor disobedience of orders.

28. For example, in a village in Maungdaw Township, a 17-year-old Rohyinga boy worked for the border guard police four to six times per month. He was forced to cook, clean, collect wood, do construction work and act as a sentinel. He was forced to do this work because his father was too old and could not meet the requirement that every household send one male to the border guard police post to work. The boy was arrested three times for failing to report for duty and was severely beaten and fined. When accused of sleeping during sentinel duty, the boy was forced to hand over family livestock and to pay additional fines. The boy worked alongside other children; the last time he worked as a sentinel was two weeks before 25 August 2017, when he was with four other boys aged 14 to 17 years.

29. The United Nations verified the use of six boys, aged between 10 and 18 years, in Sein Hnyin Pyar village, Buthidaung Township, by the Tatmadaw on 28 August 2017. The boys were used to carry military equipment between locations during military operations.

30. Information on the recruitment and use by the Arakan Rohingya Salvation Army of boys aged as young as 10 years was also documented and one case was verified. Although circumstantial evidence points to a larger number of cases, the country task force on monitoring and reporting in Myanmar has yet to obtain the access necessary to verify them on the ground and awaits permission to do so from the Government of Myanmar. Complete documentation of violations perpetrated by the Arakan Rohingya Salvation Army may also have been impeded by the fear of reprisals among refugees in Bangladesh.

D. Additional grave child rights violations

31. The United Nations verified 11 incidents of attacks on schools attributed to the Tatmadaw, including the burning of madrasas in villages across the three affected

townships of northern Rakhine (Maungdaw, Buthidaung and Rathedaung). For example, on 17 September in Gaw Du Thar Ra village, Maungdaw Township, three religious schools, which used to host approximately 1,500 students, were burned down by the Tatmadaw. All educational material was also burned. Schools were also used by the Tatmadaw as barracks as well as locations where women and girls were raped. In addition, the United Nations documented the widespread disappearance of boys and girls, including numerous girls abducted and raped by Myanmar armed forces, and boys being commonly included within the round-up of male members of a village under attack by Government forces and taken away to unknown destinations. The Organization documented the arrest of 16 boys by the border guard police and armed forces for their alleged association with armed opposition groups in Rakhine State and for alleged "terrorism" and "illegal (military) training". Humanitarian access to the three affected townships in northern Rakhine was systematically denied after 25 August 2017.

IV. Progress in ending and preventing grave violations by armed forces and groups in Myanmar

32. In May 2018, at the invitation of the Government of Myanmar, my Special Representative for Children and Armed Conflict conducted a three-day visit to Myanmar. She met with the State Counsellor, the Deputy Commander-in-Chief of the Defence Services and relevant Government ministries and the Union Advocate General. She also met the technical members of the Committee on the Prevention of Underage Recruitment (Tatmadaw/Government), the Joint Ceasefire Monitoring Committee and representatives from three listed armed groups (the Restoration Council of Shan State/Shan State Army South, the Democratic Karen Benevolent Army and the Karen National Union/Karen National Liberation Army Peace Council). The visit was aimed at engaging with the Government and the Tatmadaw to: (a) accelerate the implementation of the Joint Action Plan to end underage recruitment signed in 2012 by the Tatmadaw and the country task force on monitoring and reporting; (b) raise concerns regarding emerging trends of grave violations; (c) encourage the Government to take preventive measures and to pass the draft law on child rights and ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; (d) advocate for access to conflict-affected areas for monitoring purposes; and (e) inform the Government of the engagement of the country task force on monitoring and reporting to develop/sign joint commitments with seven ethnic armed organizations listed in my annual report on children and armed conflict.

33. My Special Representative stressed the need for accelerated implementation of the Joint Action Plan through the streamlining of the United Nations/Government joint workplan adopted in 2014, following the review of achievements, progress and lessons learned to date. In that regard, she urged the Government of Myanmar to: (a) achieve and sustain a pattern of "no new child recruitment"; (b) expedite the verification and release of pending cases of suspected minors; (c) demonstrate a stronger commitment to enforcing all the control measures and due diligence to end underage recruitment throughout the ranks of the Tatmadaw; (d) cease the detention of children for desertion or being absent without leave and apply the benefit of the doubt for those whose age is uncertain in accordance with the Tatmadaw directives; and (e) actively prevent the use of children to give full realization to the 2016 military directive prohibiting such use.

34. My Special Representative informed the Government of the engagement of the country task force on monitoring and reporting to develop and sign joint commitments with all seven listed ethnic armed organizations with a view to developing and signing

action plans to end underage recruitment and strengthen the protection of children, in accordance with its mandate under Security Council resolution 1612 (2005) and subsequent resolutions.

35. My Special Representative expressed her strong concerns regarding emerging trends of other grave violations of child rights in Myanmar. She repeatedly emphasized the importance of prevention and urged the Government to initiate measures to prevent such violations, including through the inclusion of child protection issues in the ongoing peace dialogue. As new trends were coming to light, including strong allegations of killing and maiming and sexual violence, the Special Representative also stressed the importance of granting the country task force on monitoring and reporting unfettered access to better monitor, report and respond to child protection issues in conflict-affected areas of northern Rakhine, Shan and Kachin States.

36. In June 2018, I listed the Tatmadaw and integrated border guard forces in my annual report to the Security Council for the grave violations of killing and maiming of children and grave sexual violence against children, necessitating engagement with those parties in the development of action plans to address and prevent such violations.

37. Following the visit of the Special Representative for Children and Armed Conflict, steady progress was noted in the implementation of the Joint Action Plan by the Government and on the engagement of the country task force on monitoring and reporting with the Government in that regard. This included high-level and technical-level meetings held in July 2018 to review the progress and challenges to date. Key results from the meetings included: (a) the joint development and adoption of a revised workplan with sharper indicators to measure progress towards completion; (b) significant progress on the issue of age verification for children with no or inconsistent documentation; (c) a revised methodology for the joint monitoring of military units by the country task force on monitoring and reporting, with increased transparency and objectivity with respect to the criteria used by the task force to assess the compliance of battalions with the Joint Action Plan and a more structured and action-oriented reporting system to ensure that recommendations from battalion-monitoring missions are properly shared with and acted upon by Tatmadaw units.

38. During the reporting period, 75 children and young people who had been recruited as children were released by the Tatmadaw within the framework of the Joint Action Plan, bringing the total of such releases since 2012 to 924 as at the end of August 2018.

39. The supplementary understanding between the International Labour Organization (ILO) and the Government (ILO complaints mechanism for the elimination of forced labour) was extended by one year with the renewed agreement that ILO would continue to refer underage recruitment to the country task force on monitoring and reporting as long as the age and circumstances of recruitment fell within the mandate of the task force.

40. At the third session of the Union Peace Conference, an important agreement was reached with respect to the mainstreaming of child protection and prevention of grave violations in the peace process. The agreement set out a commitment to "set up and conduct programmes to ensure child rights, abide by the Convention on the Rights of the Child for all-round development of children and eliminate the six grave violations against children".

41. In addition, the new draft law on child rights was submitted to the Union Parliament in July 2017 and is currently under review. The law explicitly prohibits the six grave violations under Security Council resolution 1612 (2005) and places

them squarely in national legislation. It is unclear, however, when the draft law will be adopted.

42. With regard to accountability measures, since 2012, 448 army officers have been disciplined in accordance with the military code of conduct for failure to follow the proper recruitment process. One civilian has been prosecuted for involvement in illegal recruitment. The Government's anti-trafficking working group recognizes that civilian-facilitated underage recruitment/use is to be included in the mandate of the Committee on the Prevention of Underage Recruitment.

43. Advocacy and outreach by the Special Representative has resulted in greater willingness on the part of the Government to engage on the issue of the six grave violations, and a request has been made for the assistance of the Office of the Special Representative in the provision of training on the six grave violations in conjunction with the country task force on monitoring and reporting.

44. In August 2018, the Government responded to my Special Representative's request for access by the country task force on monitoring and reporting to affected areas of northern Rakhine, Kachin and Shan States, but only if the necessary safety conditions are in place. However, no formal response was ever provided to the formal requests for access formulated by the task force in writing, with support from the Special Representative, in March and June 2018, and there are indications that the nature and scope of the mission, despite being squarely within the mandate of the country task force on monitoring and reporting in Myanmar, may be the reason for the delayed response and lack of access to date.

45. Six out of seven listed armed groups, apart from the United Wa State Army, have continued to engage with the country task force on monitoring and reporting and have demonstrated a willingness to further collaborate, with the aim of strengthening the protection of children in their respective areas of engagement. The signing of joint commitments with listed armed groups will be a gradual process, starting with an initial emphasis on the four groups that are signatories to the National Ceasefire Agreement.

V. Recommendations

46. The recommendations below are specific to the period covered in the update report and should be considered in conjunction with the recommendations contained in my fourth report to the Security Council (S/2017/1099).

To the Government of Myanmar

47. Taking into account the concerns expressed by my Special Representative, I urge the Government to:

(a) In the light of the significant progress towards full compliance with the 2012 Joint Action Plan on ending the recruitment and use of children in the Tatmadaw, clear the current backlog of pending cases of suspected minors by the end of 2018, including by systematically applying the principle of the benefit of the doubt as reflected in the Joint Action Plan, to discharge suspected minors with no or *inconsistent documentation;*

(b) In the spirit of the Joint Action Plan and relevant national and international legal instruments, review and amend any legislation to preclude the detention and/or prosecution of children on charges related to illegal association with armed groups;

(c) Allow full and unimpeded access for humanitarian actors to all conflict-affected and displaced people in Myanmar, as well as safe and unimpeded access for the country task force on monitoring and reporting to conflict-affected and hard-to-reach areas, particularly in northern Rakhine, and Kachin and Shan States, to carry out verification activities pertaining to its mandate vis-à-vis monitoring and reporting of the six grave violations;

(d) Engage with the country task force on monitoring and reporting to develop and implement agreed measures and establish a mechanism to develop and implement action plans for the additional violations of grave sexual violence and killing and maiming for which the Tatmadaw was listed in my most recent annual report on children and armed conflict;

(e) In the light of the notable number of prosecutions for recruitment and use of children to date, undertake an independent and credible investigation of and accountability for all six grave violations of child rights, in line with international standards, for the members of the Myanmar Armed Forces and the non-State actors who have been identified as perpetrators of these grave violations;

(f) Take stock of best practices in realizing concrete progress for children. In this regard, I would like to note with appreciation the inclusion of the prevention of the six grave violations in the commitments undertaken in the ongoing peace process and to encourage my Special Representative and the United Nations country team to support the Government and negotiating parties in realizing concrete progress for children;

(g) Ensure the swift adoption of the draft law on child rights, which could be a model piece of legislation for other countries affected by armed conflict or emerging from conflict, and the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict to strengthen the legal framework for children and armed conflict in Myanmar by the end of the year 2018.

To armed groups

48. I urge armed groups to:

(a) Immediately halt and prevent the recruitment and use of children and release all children present in their ranks. The listed parties are encouraged to prepare and implement joint commitments with the United Nations to end and prevent child recruitment and use;

(b) Ensure accountability, in line with international standards, for members of the non-State armed groups who have been identified as perpetrators of any of the six grave violations of child rights.